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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,578	04/15/2004	Andrew Aaron	728-242	8668
66668 7590 05/02/2008 THE FARRELL LAW FIRM - IBM 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553				
EXAMINER				
NEWAY, SAMUEL G				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
05/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/825,578

**Applicant(s)**

AARON ET AL.

**Examiner**

Samuel G. Neway

**Art Unit**

2626

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. This is responsive to the RCE filed on 05 March 2008.
2. Claims 1 – 16, and 18 – 24 are still pending and are considered below.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 – 16, and 18 – 24 have been considered but are moot in view of the new ground(s) of rejection.

***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 6, 14, and 22 recite the phrase “a prediction algorithm” which lacks proper antecedent basis in the specification.

***Claim Objections***

5. Claims 1, 9, and 18 are objected to because of the following informalities: they each recite the phrase “the text” in line 3, however there is no antecedent basis for the phrase in the claims. It is believed the phrase should read ‘a text’ and will be treated as such herein below.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 – 3, 8 – 11, 16, 18, 19, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Brittan et al (US PGPub 2002/0184030).

Claim 1:

Brittan discloses a method for improving the intelligibility of speech output by a speech synthesizer (Abstract), comprising the steps of:

determining if uncommon words exist in a text; and if it is determined that an uncommon word exists in the text, pausing the output of the synthesized speech of the uncommon word to offset the uncommon word from its surrounding speech ("insert pauses in front of certain words, such as non-dictionary words and other specialized terms and proper nouns (there being a natural human tendency to do this)", [0065]. Note that the non-dictionary words, the specialized terms, and the proper nouns are determined before a pause is inserted).

Claim 2:

Brittan discloses the method of claim 1, wherein the determination is made by comparing the input text to common words stored in a database and determining if a word is uncommon if the word is not in the database (" ... such as non-dictionary words ... ", [0065]).

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Claim 3:

Brittan discloses the method of claim 1, wherein a word is determined as uncommon if the word is capitalized ("... proper nouns ..."), [0065]).

Claim 8:

Brittan discloses the method of claim 1, wherein the pausing is inserted at least one of before, after and within the uncommon word ("insert pauses in front of certain words ... ", [0065]).

Claims 9 – 11, and 16:

Claims 9 – 11, and 16 are similar in scope and content to claims 1 – 3, and 8; they are rejected with the same rationale.

Claims 18, 19, and 24:

Claims 18, 19, and 24 are similar in scope and content to claims 1, 3, and 8; they are rejected with the same rationale.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 – 7, 12 – 15, and 20 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brittan et al (US PGPub 2002/0184030) in view of Lu et al (USPN 5,819,260).

Claims 4 and 5:

Brittan discloses the method of claim 1, but it does not explicitly disclose wherein the determination is made by using a statistical language model which compares a calculated value with a threshold value and if the calculated value is less than the threshold value the word is determined as uncommon.

In a phrase recognition method, similar to Brittan's word determination, Lu processes phrases to determine frequency of occurrence (col. 4, lines 14-15).

It would have been obvious to one with ordinary skill in the art at the time of the invention to determine the frequency of occurrence of a word and label it as uncommon if the frequency is below a threshold because, by definition, uncommon words are rare.

Claims 6 and 7:

Brittan discloses the method of claim 1, but it does not explicitly disclose wherein the determination is made by using a prediction algorithm which compares a calculated value with a threshold value and if the calculated value is less than the threshold value the word is determined as uncommon.

In a phrase recognition method, similar to Brittan's word determination, Lu processes phrases to determine frequency of occurrence (col. 4, lines 14-15).

It would have been obvious to one with ordinary skill in the art at the time of the invention to determine the frequency of occurrence of a word and label it as uncommon if the frequency is below a threshold because, by definition, uncommon words are rare.

Claims 12 – 15:

Claims 12 – 15 are similar in scope and content to claims 4 – 7; they are rejected with the same rationale.

Claims 20 – 23:

Claims 20 – 23 are similar in scope and content to claims 4 – 7; they are rejected with the same rationale.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. G. N./

Examiner, Art Unit 2626

/David R Hudspeth/

Supervisory Patent Examiner, Art Unit 2626